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OFFICE OF PETITIONS

In re Patent No. 7,824,915	:	
Issue Date: November 2, 2010	:	
Application No. 10/780,743	:	ON PETITION
Filed: February 19, 2004	:	
Attorney Docket No. KAS-199	:	

This is a decision on the RENEWED PETITION UNDER 37 CFR 3.81(b) and REQUEST TO CORRECT ASSIGNEE UNDER 37 CFR 3.81(b) filed March 25, 2011, which is being treated as a petition under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a certificate of correction.

The renewed petition is **DISMISSED**.

Petitioner continues to request issuance of a certificate of correction in the name of "Hitachi High-Technologies Corporation, Tokyo, (JP)."

As previously stated, 37 CFR 3.81(b), effective June 25, 2004, reads:

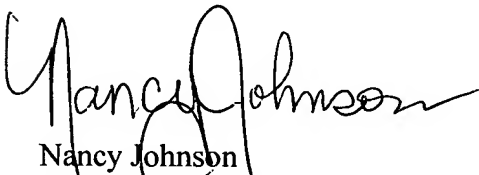
After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 **before issuance of the patent**, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter [emphasis added]. See also MPEP 1481.01.

Petitioner's arguments have been considered, but not found persuasive. The conclusion remains that the patent properly issued in the name of the assignee as recorded in the Office on the date of issuance of the patent.

Petitioner argues that the assignment from HITACHI, LTD to Hitachi High-Technologies Corporation recorded on November 3, 2010 was merely a corrective assignment and that the actual assignment occurred, **before the date of issuance of this patent** on April 12, 2004. Petitioner states that the original assignment included an inadvertent error that named the assignee as HITACHI, LTD and that the corrective assignment filed after the date of issuance of this patent corrected that error to name the assignee as Hitachi High-Technologies Corporation.

The conclusion remains that whether erroneous or not the name of the assignee in the records of the Office on the date of the issuance of the patent remained Hitachi, Ltd. Further, in completion of the PTOL-85(b), applicant continued to identify the assignee as Hitachi, Ltd. Accordingly, since the corrective assignment was not submitted for recordation until after issuance of this patent, issuance of a certificate of correction is not proper. The patent properly issued in the name of the assignee of record on the date of issuance of the patent.

Telephone inquiries concerning this decision on petition should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
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Office of Petitions